

REMARKS

In the patent application, claims 1-3, 5-10 and 12-23 are pending.

In the office action, claims 1-3, 6-10, 13-21 and 23 are rejected and claims 5, 12 and 22 are objected to but would be allowable if rewritten in independent form.

Applicant has amended claims 1, 8, 16 and 21.

Independent claims 1, 8, 16 and 21 have been amended to change packet-data connection to packet-switched data connection.

The support for packet-switched data (PSD) connection can be found in paragraph [0024].

No new matter has been introduced.

At section 5 of the office action, claims 1-3, 6-10, 13-21 and 23 are rejected under 35 USC §103(a) as being unpatentable over *Sammarco* (U.S. Patent Application Publication No. 2004/0121781) in view of *Chitrapu* (U.S. Patent Application Publication No. 2004/0092265), and *Nave et al.* (U.S. Patent No. 7,324,810, hereafter referred to as *Nave*), and further in view of *Zhang et al.* (U.S. Patent No. 7,437,162, hereafter referred to as *Zhang*).

*Claimed Invention Distinguishable over Cited References*

It is respectfully submitted that the claimed invention is distinguishable over the cited *Sammarco*, *Chitrapu*, *Nave* and *Zhang* references at least in four aspects. In the claimed invention:

- 1) there are at least **two currently** active cellular network systems connected to a communication device;
  - 2) the communication device has at least **two active connections** for connected applications – at least one **active connection** for **each** of the currently active cellular network systems for a connected application;
  - 3) the communication device **simultaneously** hosts at least **two connected applications**;
- and

4) an active connection comprises **at least one of a speech call, a circuit-switched data call and a packet-switched data connection.**

The Examiner fails to clearly point out how the cited references, used individually or in combination, disclose each of the above-listed limitations.

Improper Claim Rejection under 35 U.S.C. 103

At issue here is whether the cited references, used individually or in combination, disclose:

- a) a communication device has active connections to two currently active cellular network systems;
- b) each active connection comprises at least one of a speech call, a circuit-switched data call and a packet-switched data connection; and
- c) the communication device simultaneously hosts at least two connected applications and the active connections are for the respective connected applications.

A. Active Connections to Two Currently Active Cellular Network Systems

The Examiner points to *Sammarco* for disclosing a device (10) obtaining information about **one** currently active cellular network system (page 3 of the office action, lines 4-6). However, because the device is live in terms of connecting to the alternate communication systems (20, 30), the **scanning** provides active connections to the systems (page 3, lines 7-8).

The Examiner cites *Zhang* for disclosing voice call connections for initiation of message and redirection of calls in a circuit or packet gateway (page 4, lines 21 to page 5, line 2).

It is respectfully submitted that *Sammarco* is concerned with using a preferred ANSI-136 protocol used in communication system 30 over the non-preferred GSM protocol used in communication system 20 (paragraph [0016], [0021]). As depicted in Figure 2, when the wireless terminal 10 is located with the geographic region 20c, it can only register the use of the services of communication system 20 because the services of communication system 30 is not available (paragraph [0021]). When the wireless terminal 10 determines that it has moved out of the geographic region 20c, the wireless terminal 10 scans using an ANSI-136 intelligent roaming protocol to detect the availability of communication system 30 (paragraph [0023]). Because

communication system 30 is a preferred system, the wireless terminal 10 may register with the communication system 30 and stop using the services of communication system 20 (paragraph [0023]).

The key issue here is whether the device 10 has an active connection with the wireless communication system 30 before it registers with the communication system 30, and whether that connection comprises one of a circuit-switched data call a packet-switched data connection.

It is respectfully submitted that **if** the device 10 **already** has an active connection with the wireless communication system 30, it does not make sense that the device 10 tries to detect the availability of communication system 30. The device tries to detect the availability of communication system 30 because it does not have an active connection with the communication system 30 but prefers using the services of the communication system 30.

For the above reasons, *Sammarco* does not disclose or suggest the device 10 has active connections with both communication system 20 and communication system 30.

#### B. Active Connection Comprising Circuit-Switched and/or Packet-Switched Data Connection

The Examiner alleges the fact that the device 10 tries to detect the availability of the communication system 30 by scanning, it has an active connection with the communication system 30 (page 3, lines 7-8).

It is respectfully submitted that *Sammarco* discloses scanning for an alternate wireless communication system as a way to detect the availability of an alternative wireless communication system, such as the ANSI-136 system (paragraphs [0030], [0035]). The term “scan” includes any operations for detecting the presence of a wireless communication system, including by searching within a frequency range for one or more control channels or traffic channels, and/or searching for one or more patterns or code sequence (paragraph [0021]).

The Examiner fails to point out why the act of detecting the presence of communication system 30 by searching for control channels, patterns or code sequence as disclosed in *Sammarco*, when combined with the voice call as disclosed in *Zhang*, becomes an active connection comprising the voice call between the device 10 and the communication system 30.

#### C. Active Connections For Respective Connected Applications Hosted by the Device

The Examiner alleges that “availability of services” is an application (page 3, line 15-16).

It is respectfully submitted that the fact that the services of communication system 30 are available does not necessarily mean there exists an active connection between the device 10 and the communication system 30 so as to allow the device to host a connected application. The Examiner fails to point out why the “availability of services” of communication system 30 is equivalent to a connected application hosted by the device 10.

The Examiner fails to show where *Sammarco* discloses two active connections for respective connected applications simultaneously hosted by the device

D. *Sammarco* in view of *Chitrapu*, *Nave* and *Zhang* Fails to Render Independent Claims Obvious

The Examiner only cites *Chitrapu* for disclosing information about combinations of different connections allowed by each currently active network system (page 3, lines 19-22)

The Examiner only cites *Nave* for disclosing providing information including a number and type of active connections currently in use (page 4, line 8-11).

Thus, the combinations of teachings in the cited *Sammarco*, *Chitrapu*, *Nave* and *Zhang* references do not disclose or suggest at least two active cellular network systems to which a communication device has one or more active connections.

The combinations of teachings in the cited *Sammarco*, *Chitrapu*, *Nave* and *Zhang* references do not disclose or suggest each active connection comprises at least one of a speech call, a circuit-switched data call and a packet-switched data connection; and

The combinations of teachings in the cited *Sammarco*, *Chitrapu*, *Nave* and *Zhang* references do not disclose or suggest the communication device has one or more active connections for respective connected applications simultaneously hosted by the communication device.

For any one of the above reasons, *Sammarco* in view of *Chitrapu*, *Nave* and *Zhang* fails to render independent claims 1, 8, 16 and 21 obvious.

E. *Sammarco* in view of *Chitrapu*, *Nave* and *Zhang* Fails to Render Dependent Claims Obvious

As for claims 2, 3, 5-7, 9, 10, 12-15, 17-20, 22 and 23, they are depend from claims 1, 8, 16 and 21 and include further limitations. For reasons regarding claims 1, 8, 16 and 21 above,

*Sammarco* in view of *Chitrapu*, *Nave* and *Zhang* fails to render dependent claims 2, 3, 5-7, 9, 10, 12-15, 17-20, 22 and 23 obvious.


*Allowable Subject Matter*

At section 6 of the Office Action, the Examiner objects to claims 5, 12 and 22 as being dependent on a rejected base claim, but asserts that claims 5, 12 and 22 would be allowable if rewritten in independent form including all of the limitations of the base claims and intervening claims. Applicant respectfully submits that claims 5, 12 and 22 are allowable in their current form in view of the allowability of claims 1, 8 and 21 from which claims 5, 12 and 22 ultimately depend.

CONCLUSION

It is respectfully submitted that claims 1-3, 5-10 and 12-23 are allowable. Allowance of all pending claims is earnestly solicited.

Respectfully submitted,



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